

*East Longmeadow Planning Board*  
*60 Center Square*  
*East Longmeadow, Massachusetts 01028*  
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*since 1894*

*Michael Carabetta, chair*  
*Ralph Page vice chair*  
*Tyde Richards, clerk*

*Alessandro Meccia*  
*George C. Kingston*  
*robyn d. macdonald, director*  
*rmacdonald@eastlongmeadowma.gov*

Minutes of February 25, 2014

Present were: Chair, Michael Carabetta; Vice Chair, Alessandro Meccia; Clerk, Tyde Richards, George Kingston and Ralph Page.

Public Hearing Special Permit – Cassandra Cerasuolo, Juice & Smoothie Bar,  
34 Shaker Road

Chair, Michael Carabetta opened the public hearing for Cassandra Cerasuolo for a Juice & Smoothie Bar, 34 Shaker Road. Clerk, Tyde Richards read the legal notice into the record.

Cassandra Cerasuo, 133 Melwood Avenue said she spoke with the landlord and they came to an agreement that she would be leasing the space and to fill the paperwork with the town which he signed. Ms. Cerasuo said that she found out two weeks ago that he had already leased the space to somebody else behind her back without giving her any information that he has done so. She said that the landlord never called her and never communicated with her about it and said that she no longer needs the permit for the space. Ms. Cerasuo said that she has no choice but to withdraw her application

Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to close the public hearing.

Request for Waiver of Site Plan Review & Signage – Maureen's Sweet Shoppe,  
6 Center Square

Clerk, Tyde Richards read a request for Waiver of Site Plan Review from Maureen Dempsey-Basile, Maureen's Sweet Shoppe, 6 Center Square to operate a candy store

for the manufacturing and sale of chocolate candies and gifts. The proposed hours of operation are Monday through Saturday from 11:00 a.m. to 6:00 p.m. and Sunday from 12:00 p.m. to 5:00 p.m. There will be 1 – 3 employees depending on the season.

Upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted (5-0) to approve the Request for Waiver of Site Plan Review for Maureen's Sweet Shoppe.

After review of the proposed signage for Maureen's Sweet Shoppe and upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the signage as presented. The signs approved will replace the existing photography signage on the building. The signs measure 15.75" x 168" for a total of 18.38 square feet to read "Maureen's Sweet Shoppe"; 120" x 10" for a total of 8.34 square feet to read Fine Chocolates; and a secondary sign for the customer entrance in the rear of the building measuring 32" x 23.75" for a total of 5.28 square feet, will be placed on the back of the building to read "MAUREEN'S SWEET SHOPPE FINE CHOCOLATES" conditioned upon the applicant obtaining sign permits from the Building Inspector.

#### Request for Waiver of Site Plan Review – Village Cleaners, 34 Shaker Road

Clerk, Tyde Richards read a request for Waiver of Site Plan Review from Kevin and Sun Choi, Village Cleaners to operate a cleaning service at 34 Shaker Road in East Longmeadow, MA. The hours of operation are Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to 2:00 p.m. There will be two employees at this location. The operation will consist of drop off for dry cleaning off site as well as alterations, washing and folding of clothes for pick up. There will be no chemicals used at this site.

Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted (5-0) to approve the Request for Waiver of Site Plan Review for Village Cleaners.

#### Discussion with Mr. & Mrs. Montessi regarding drainage issues at 307 Somers Road

Mr. Carabetta said that the Board invited Bob Peirent, Superintendent of DPW to sit in on the discussion with Mr. & Mrs. Montessi.

Ms. Macdonald introduced Mr. Peirent to the Board.

Celeste Montessi, 307 Somers Road said the part of the Somers Road runoff she knows they are going to take care of it with a berm. She said their concern is when they take down the silt fence and fill in the trench what happens with the water then. Ms. Montessi said that their property already show signs of problems. They raised the elevation that much and they voiced that concern when they said they were building it

that high. She said when they built the foundation of the house, the developer made either sides of the house come down right toward the trench. Ms. Montessi said they have pictures showing water flowing down and there is some that comes around where the end of the trench is and where the silt fencing is and goes right onto their property and it is starting to erode where the forest stops and their grass starts. She said that there is always water in that trench and when it snowed two times ago if you look at the pictures you can see the water running down the side. She asked where the water is going to go after they fill in that trench.

Mr. Carabetta said his assumption is right now because of the construction they are trying to contain the water/mud and eventually there is going to be grass there which doesn't solve the problem now. Ms. Montessi said that the house next door to that already has grass and a silt fence and you can see that the whole property goes down towards them and all that water goes into holes into that trench. She said that they have a holding tank in the back of their house for waste and when it fills up it pumps it into the sewer on Somers Road. Ms. Montessi said if any water that comes down and moves that tank and breaks any pipes they would have to dig up their whole yard and that is what they are concerned about.

Mr. Carabetta asked Mr. Peirent if he has walked the property and become familiar with it.

Mr. Peirent said that he hasn't walked the site himself but one of his assistants has and has given him a report. He said it is his understanding that before Wisteria Lane was built historically water used to go in that direction. Mr. Peirent said the key is to make certain no more water is being put there and that was the real issue with the curbing on Somers Road. He said that there is run off that comes off Wisteria Lane itself right now that is supposed to stay on Somers Road and stay in the storm drain. This is not currently doing that because the developer was supposed to construct a berm all the way down to the catch basin. Mr. Peirent said that was something that was actually identified with when the original submittal by Wisteria Lane and it hasn't been done yet.

Ms. Montessi said that their other point is since the storm all that snow is up against where those drains are supposed be at the end of the street. She said nothing is going into there it is going right around and down the street. Half way between her house and Wisteria Lane there is a drain but it's in the middle of the road and nowhere near the side where all the water goes. She said that they are not really concerned about Somers Road because they know that curbing should take care of that problem. Ms. Montessi said that they are concerned with the water coming from the back of all those properties.

Mr. Carabetta asked if there are two retention basins on the property. Ms. Montessi said that there is only one way in the back and they asked for another one but were told that they didn't need it. She said that they raised that property so high up and the road

was already in. That is what has caused the river and something needs to be done. Mr. Carabetta said that they won't come to a solution that evening. He said in all fairness to all parties involved they will do a site visit and they could all walk the property because he doesn't think they will solve anything that evening. Mr. Carabetta said that he wants everyone to work together to try and remedy their concerns. He said through Ms. Macdonald he will try and get all of the parties together some afternoon and walk the site to try and find some sort of an answer.

Shad Hanrahan and Ernie Gralia regarding Arbors Kids

Mr. Carabetta said that it has come to the Board's attention that they are renting out some of their facilities and as they are aware it is not an allowed use.

Shad Hanrahan, Arbors Kids; Mike Gaudet, Arbors Kids and Jason Robertson, Representative for Gralia Group, Owner.

Mr. Robertson said that they came before the Board about 12 months ago for a Site Plan Review and it is an allowed use. He said in their opinion it is still the principal use there and at that time they were asked if they were intending to rent out the facilities and their answer was that they hadn't thought about it. Mr. Robertson said the primary reason for that was while they have a lot of experience in the child care business they never had a facility with turf fields and basketball courts and they didn't want to get ahead of themselves. He said they wanted to see how their core program was going to utilize it and the way it has worked is that the pre-school, toddler's and before and after kids use those things every day. Mr. Robertson said the principal use utilizes those things and in their minds they always reserved the right to either run other curricular programs after hours. He said that they decided to rent out the fields and the courts and focus on their core business and in their opinion the child care remains the principal use which is an allowed use and renting out the fields is an accessory use to the allowed use. Mr. Robertson said that it is subordinate to what they do, it's incidental and they rent it out to youth sports organizations and it's good marketing for them and he thinks it's a benefit to the town.

Mr. Kingston 3.0265 in the by-laws specifically states that a recreation facility, commercial and private is not an allowed use in the Industrial Garden Park. He said that 3.26 also states area and facility for sporting activity is not an allowed use. Mr. Kingston also referred to the minutes of February 12, 2013, page 2 second paragraph from member Michael Przybylowicz on the Board at that time stated specifically that renting out the field is not an allowed use in the district.

Mr. Carabetta said back in 1998 someone wanted to put in tennis courts and that was shot down and they submitted a petition to Town Meeting which failed.

Mr. Robertson said his point is that the principal use is an allowed use and it remains an allowed use and he said that it is an accessory use to the principal use and it is not a sports facility.

Mr. Kingston said under accessory uses that use is not mentioned anywhere and the by-law very specifically says any use that is not specifically allowed is prohibited. He said that there is no accessory use identified in the by-law therefore it is not an allowed use.

Mr. Page said the reason they are allowed in the Industrial Garden Park is because the State mandates that they have to allow them in every zone. He said that is strict guidelines, childcare facility before school & after school programs and renting out fields or renting out basketball courts does not fall within that. Mr. Page said just as he said it is not an accessory use and under the by-laws it is not allowed.

Mr. Robertson said that he thinks people are looking for problems that don't exist.

Mr. Kingston said that he would disagree with that because the people who run the industries there are very interested in maintaining the look of the park and having it as an industrial area. Mr. Robertson asked what renting the fields out has to do with what they have done to the exterior of the building or anything else. He said that it has nothing to do with them.

Mr. Carabetta said that his points are valid but it is not allowed. He said that the Board cannot make an exception and they can't change the language, they can't create something that doesn't exist.

Mr. Robertson said he will send a summary memo to the Building Inspector and let him make a determination. Mr. Carabetta said that is fine.

Mr. Kingston said that he would also like to bring to their attention that they have at least four temporary signs on a daily basis for which they have no permit and they have been up there for almost a year. He said those signs are not allowed and they do detract from the look of the Garden Park and they put them up there without even going through the permitting process after going through the permitting process for their other signs. Mr. Kingston said that they can't say they weren't aware of the need for sign permits and said that those kinds of signs are not permitted and in fact some of them are on town property.

Mr. Robertson said duly noted and they will deal with it and said that they are okay with it and they want to work with the town. He said that they are not trying to hide anything and it is an important part of their business and that is why he is trying to figure out anything they were describing won't be any different than if they were running the programs themselves and they won't have an issue with it.

Mr. Kingston said that he voted to approve the childcare facility and he feels that they have taken the facility and are running with it and that bothers him a lot. He said they are running Arbors Kids not Arbors Convention Center or Arbors rent-a-field they are running Arbors Kids Daycare Childcare Facility and that is what is supposed to be operating there. Mr. Robertson said there was no deliberate acts to deceive anyone and if they were deceiving anyone they would not have it on their web site they would be renting it to people and they won't know about it. He thinks there is a sincere disagreement about what they think is allowed and appropriate.

Mr. Carabetta said that the Board has a set of rules to follow and when they come and say they want to doing something in particular and he looks in the by-laws and it says it is not allowed. He said it's in black & white and he would like to say there is a lot of gray area but there isn't and what they are asking the Board cannot approve. Mr. Carabetta said that he is sorry they are upset but there are rules that the Board has to follow. Mr. Robertson said that they are not asking for special treatment they are just not convinced what they are doing is violating the by-law.

Mr. Carabetta said that they are more than welcome to submit a letter to the Building Inspector and asked as far as their discussion that evening he asked if the Board answered all of their questions. Mr. Robertson said yes they did. Mr. Carabetta thanked them for coming in and meeting with the Board.

Request for Temporary Signage – East Longmeadow Self Storage, LLC, 91 Industrial Drive

Clerk, Tyde Richards read a Request for Temporary Signage from East Longmeadow Self Storage, 91 Industrial Drive.

After review of the proposed signage the Board voted unanimously (5-0) to allow a temporary sign to be displayed on the property of the business at 91 Industrial Drive for a period not to exceed 60 days. The temporary sign will measure 11.6' x 4' for a total of 46.4 square feet and advertise the opening of the storage facility.

Request for Signage – East Longmeadow Self Storage, LLC, 91 Industrial Drive

Clerk, Tyde Richards read a Request for Signage from East Longmeadow Storage, 91 Industrial Drive.

After review of the proposed signage for East Longmeadow Storage the Board had many questions and concerns and determined that they would like them to attend a meeting in the near future to discuss their requests with them.

ANR – Prospect Street

After review of the ANR for Prospect Street and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to deny the ANR as presented due to lack of information on the plan.

ANR – Shaker Road and Chestnut Street

After review of the ANR for Shaker Road and Chestnut Street and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to endorse the ANR to combine two lots, creating one new lot known as Lot A now to contain 77,074.7 square with proper frontage on Shaker Road and Chestnut Street in the Industrial District.

Miscellaneous

Mr. Kingston said that PVPC has issued a new Master Plan for the Pioneer Valley Area and Ms. Macdonald has two copies in the office. He said that they have also issued a housing plan and the full plan is online on their web site and Ms. Macdonald has the executive summary in the office.

Warrant Articles

Mr. Page asked when they were going to schedule public hearings for them and asked if they were all set to go with them. Ms. Macdonald said that they need to make sure they are satisfactory then she will submit them for the Warrant Article. The Board wanted Ms. Macdonald to get some language together for an article for denial of satellite parking. Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to submit an Article for Satellite Parking to be heard at Town Meeting .

There being no further business and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted to close the meeting at 7:15 p.m.

For the Board,

Tyde Richards, Clerk